

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. T-01/09-53
)
 Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Office of Vermont Health Access (OVHA) terminating her coverage for chiropractic services under VHAP Managed Care. The issue is whether such services are no longer covered under the pertinent regulations.

DISCUSSION

The petitioner is enrolled in the VHAP Managed Care program and has been receiving chiropractic care since August 2008 to treat pain and other residual effects of a car accident she was in several years ago. In January 2008 the Department notified all VHAP and Medicaid recipients that beginning February 1, 2009, chiropractor services would no longer be covered (except for children under limited circumstances).

The cessation of coverage effective February 1, 2009 results from the current fiscal crisis, and was approved by the Joint Fiscal Committee of the Vermont Legislature on

December 19, 2008, and was implemented pursuant to Bulletin NO. 09-05 issued by OVHA on January 15, 2009.¹

There is no issue in this case that the petitioner derives substantial benefit from chiropractic services and that such services in her case may well be less expensive than alternative treatments that remain covered. Be that as it may, the Board is nonetheless constrained to affirm the Department's decision in that the petitioner has made no claim or showing that it is not fully in accord with federal and state law and regulations.

ORDER

The Department's decision is affirmed.

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¹Under federal law and regulations coverage of chiropractor services for adults are "optional" for states.